

CHAPTER 7. PUBLIC EASEMENT STANDARDS

701. UTILITY EASEMENTS

701.1 Easement criteria

If this Code or other law requires an easement, the developer shall provide easements as follows:

- (1) If a utility easement is adjacent to a public street, the developer shall provide utility easements at least ten (10) feet in width along both sides of the street.
- (2) If a utility easement is not next to a public street, the developer shall provide an easement at least twenty (20) feet wide for utility construction, service and maintenance. The Commission may require greater width dimensions along or across lots if engineering design or special conditions make it necessary.
- (3) Figures 7-1, 7-2 and 7-3 illustrate the proper placement, arrangement and depth of utilities within easements. With permission of the City and the applicable public utility, locations of a utility line may vary from these standards.

701.2 Utility easement restrictions

The developer shall place the following statement of restrictions on the plat whenever easements are dedicated for public use:

PUBLIC EASEMENTS

All public easements denoted on this plat are dedicated to the use of the public forever. Any public utility, including the City of Huntsville, shall have the right always of ingress and egress to and from and upon these easements for construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of getting the permission of the property owner. Any public utility including the City of Huntsville shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Huntsville nor any public utility shall be responsible for replacing or reimbursing the property owner due to removal or relocation of any obstructions in the public easements.

701.3 Utilities

The developer shall place or construct all new utilities within designated easements or street rights-of-way as shown in Figures 7-1 to 7-3.

701.4 Requirements

The developer shall not place any structure, foundation, slab or other permanent improvement within any dedicated public easement without written permission from the City.

702. DRAINAGE/FLOODWAY EASEMENTS

If this Code or other law requires a drainage easement, the developer shall provide a public or private drainage easements along all natural and manmade drainage channels and floodways that drain two or more lots or tracts of land according to the following criteria:

(1) Natural drainage channels

The developer shall provide public or private storm drainage easements along existing or proposed open drainage channels with sufficient width for the water course to handle the flow from the frequency storm required by Section 1002.3 plus a minimum of twenty (20) feet on each side, for ingress and egress of maintenance equipment, for clearance from fences, for maintenance of the channel bank, and for adequate slopes along the bank.

(2) Enclosed drainage systems

Where a developer provides an enclosed drainage system that is not within or next to a public street, the developer shall provide public or private storm drainage easements of twenty (20) foot or wider and centered on the system. The developer shall provide easements wide enough to encompass the system and provide ingress and egress for future maintenance operations.

(3) See also Chapter 10, Storm Drainage Facilities.

703. FLOOD PLAIN RESTRICTION

- (1)** The developer shall provide flood plain restrictions where necessary along natural drainageways and lakes. Flood plain restriction shall encompass the area between the dedicated channel (see Section 702) and the water surface elevation resulting from a 100-year design frequency storm. The area encompassing the dedicated Drainage Easement and the Flood Plain Restriction shall be called the 100-Year Flood Plain. The developer shall justify the width of the floodplain by a drainage study with drainage study, drainage calculations or other criteria submitted to and approved by the City Engineer.

- (2) Within the 100-year flood plain, the developer shall provide public or private storm drainage easements (see section 702) that contain storm water resulting from a 100-year frequency storm less the amount of storm water carried in the enclosed system, if any. The developer shall justify the width of the easements by a drainage study, drainage calculations, or other criteria submitted to and approved by the City Engineer.
- (3) The developer shall place the following restrictions in the dedication instrument:

FLOOD PLAIN RESTRICTION

No construction, without the written prior approval of the City of Huntsville, shall be allowed within a flood plain, and then only after detailed engineering plans and studies show that no flooding and no obstruction to the natural flow of water will result. If construction is allowed, all finished floor elevations shall be a minimum of two (2) feet above the 100-year flood elevation.

The existing creeks, lakes, reservoirs, or drainage channels, not within a public easement, traversing along or across portions of this subdivision, shall remain as an open channel always and shall be maintained by the individual owners of the lot or lots that are the individual owners of the lot or lots traversed by or next to the drainage courses along or across said lots. The City of Huntsville shall not be responsible for the maintenance and operation of private drainageways or for the control of erosion. Each property owner shall keep the natural drainage channels traversing or next to the property clean and free of debris, silt, or any substance that would result in unsanitary conditions. The City shall have the right of ingress and egress for inspection and supervision of maintenance work by the property owner and to alleviate any undesirable conditions that may occur. The natural drainage channels are subject to storm water overflow and natural bank erosion to an extent that cannot be definitely defined, the City of Huntsville shall not be liable for damages of any nature resulting from the occurrence of these natural phenomena, nor resulting from a failure of any structure(s) within the natural drainage channels. The natural drainage channel crossing each lot is shown by the flood plain easement line as shown on the plat.

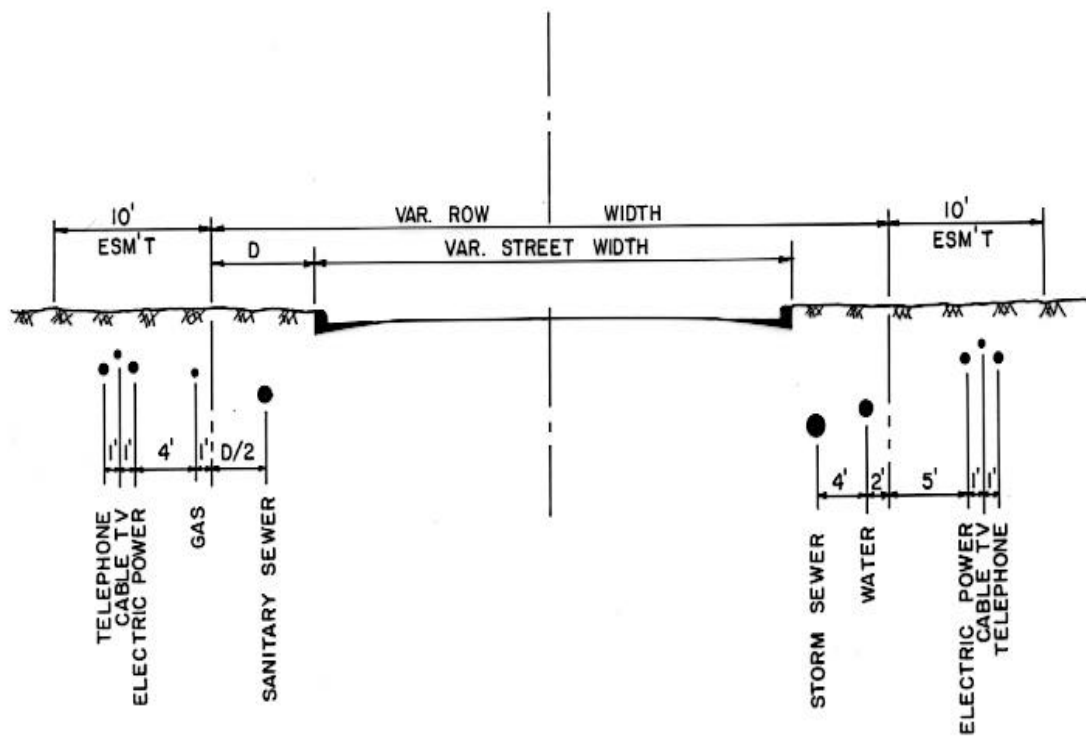
See also, Chapter 10, Storm Drainage Facilities.

704. EMERGENCY ACCESS EASEMENTS

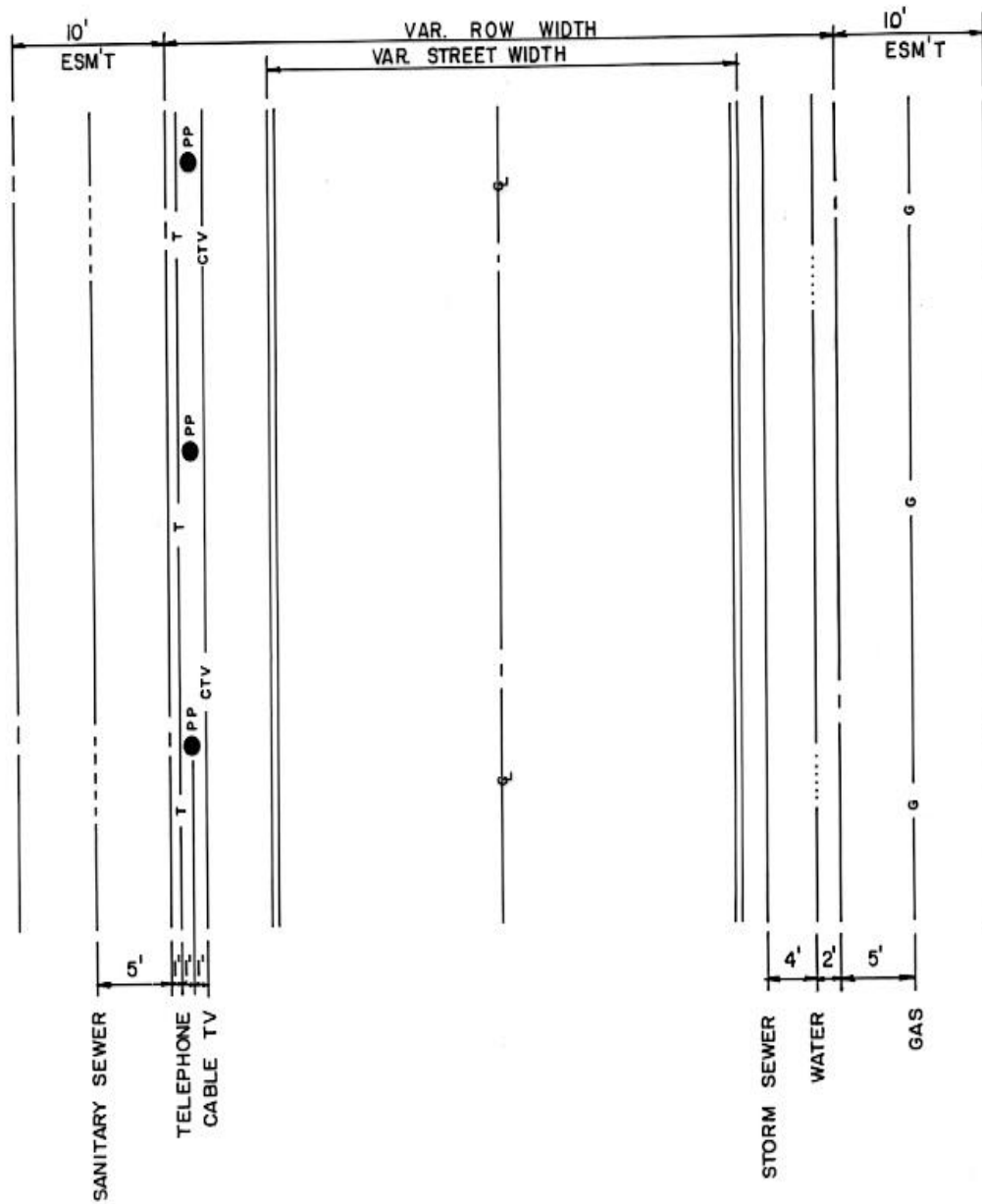
If this Code or other law requires an emergency access easement, then the developer shall provide emergency access (fire lane) easements with a minimum width of twenty-eight (28) feet and a minimum height clearance of fourteen (14) feet, and connections at each end

to a dedicated public street or a turnaround with a minimum diameter of eighty (80) feet and an additional distance of ten (10) feet on all sides clear of permanent structures. The developer shall design and construct the driving surface within emergency access easements according to standards established for local public streets.

A developer shall construct, erect, or locate any structure within one hundred fifty (150) feet of either a dedicated and improved emergency access easement or a public street. Example 2-1 in Chapter 2 of this Code contains an example of dedicatory language for establishment for emergency access easements (see also Building Code and Fire Code).



Huntsville Design Criteria	UTILITY PLACEMENT IN R.O.W with ADJACENT EASEMENTS	Scale: NONE
Revisions		FIGURE 7-1



Huntsville Design Criteria	UTILITY PLACEMENT IN R.O.W. with ADJACENT EASEMENTS (OVERHEAD)	Scale: NONE
Revisions		FIGURE 7-2

